

Moratorium Ordinance Regarding Solar Energy Systems

The **TOWN OF EDDINGTON, MAINE** adopts a Moratorium Ordinance as follows:

WHEREAS, areas of the Town of Eddington are suddenly under threat of increased development pressure from Solar Energy Systems; and

WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town's current Land Use Ordinance; and

WHEREAS, there is a strong likelihood that all areas of the Town will continue to be subjected to this development pressure due to the amount of undeveloped land, the nonexistence of any regulations or restriction on location of solar energy systems, and the relatively low land prices of some of the land at issue, the existing solar energy systems and the high demand for sites for such solar energy systems; and

WHEREAS, continued development of such solar energy systems pursuant to the continued Land Use Ordinance could pose serious threats to the public health, safety and welfare of the residents of Eddington through the over-development of parts of the Town with such solar energy systems without adequate provisions for issues of safety, and land use compatibility, and visual access to view corridors; and

WHEREAS, after public hearing, there is strong support for this Moratorium Ordinance; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to Zoning and Land Use Ordinances and regulations to accommodate these development pressures; and

WHEREAS, amendments to the Land Use Ordinance require a public hearing by the Planning Board , and then must be voted upon at a Town Meeting; and

WHEREAS, in the Judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S.A. 4356 (1) (B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Eddington hereby ordains that a moratorium is hereby imposed on all nonpersonal Solar Energy System Projects, effective immediately and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions not pending as of October 26, 2021 (within the meaning of M.R.S.A. Sec. 302), and on any new nonpersonal Solar Energy System construction or use, requiring approval under the terms of the Town's Zoning and Land Use Ordinances and regulations for such Town until the effective date of the necessary amendments to the Zoning and Land Use Ordinances and regulations or until April, 2022.

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, the Building Inspector/C.E.O., all Town agencies and all Town employees shall neither accept nor approve applications for solar energy systems for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for site plan review by the Planning Board, subdivision and/or special exception review by the Planning Board, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

BE IT FURTHER ORDAINED that to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain as valid.

EMERGENCY CLAUSE:

In view of the emergency cited in the preamble, this Moratorium Ordinance shall take effect immediately upon passage by the Town, shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications and petitions not pending as of (Special Town Meeting Date), and shall stand repealed as of (6 months later). Unless further extended by the Select Board in accordance with the statute.

Mark Carriera
Chairman, Select Board

David McCluskey
Selectperson

Ray Wood Jr
Vice-Chair, Select Board

Pamela Chapman
Selectperson

Deana Doughty
Selectperson